

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

October 14, 2016

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Kauai

Annual Renewal of Revocable Permits on the Island of Kauai. See Exhibit 2 for list of Revocable Permits.

HRS CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject action is exempt from the preparation of an environmental assessment pursuant to Exemption Class 1, "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing." See Exhibit 1 attached.

BACKGROUND:

At the end of each calendar year, Land Division reviews its list of current revocable permits issued statewide and determines which ones to recommend to the Board of Land and Natural Resources for renewal for the upcoming year. Generally, those revocable permits in good standing will be recommended for renewal, unless the Board has approved a different disposition for the land covered by a particular permit.

In the past, staff has brought all revocable permits to the Board for renewal in one submittal. At its meeting on December 11, 2015, Item D-14, as amended, the Board directed staff to submit revocable permit renewals by county over four meetings, with an explanation of why a revocable permit is the appropriate disposition and how the rent was set. At its meeting on June 24, 2016, Item D-7, the Board further approved the recommendations of the Department of Land and Natural Resources Revocable Permit Task Force, as amended, requesting all divisions notate any non-compliance issues and pending litigation in the renewal template. In accordance with this directive, staff is submitting the Kauai revocable permits, including the additional information the Board requested.

REMARKS:

The list of revocable permits for Kauai that staff recommends be renewed for 2017 is attached as Exhibit 2. Included in the exhibit are the permittee names, tax map keys, original commencement date of the permit, character of use, land area, annual rent, method by which staff set the rent and the rationale behind the issuance of a revocable permit. General location maps of the revocable permits to be renewed are attached as Exhibit 3.

Staff has procured a contract with James Hallstrom of The Hallstrom Group/CBRE, Inc. for appraisal consulting services to assist in establishing the scope of work with respect to valuing the rent to charge for the use of State lands underlying revocable permits statewide as of 1/1/17, and ground rent discounts for tenancy and use restriction, if any. Once the scope is established, a second phase of the contract will be negotiated for appraisal services to set new rents for significantly underperforming assets. Upon receipt of the appraisal report(s) for these assets, staff will obtain the Chairperson's approval for the implementation of new rents, unless the Board would prefer that staff return to the full Board for review of the rents.

As an interim measure, to ensure a reasonable return for the use of public lands, the Board is requested to approve an increase in rents for all revocable permits. Staff recommends that the new rent for each revocable permit be based on a one-time increase of 1.5% of the base rent, multiplied by the number of years since first issuance of the permit, or since the most recent rental evaluation, beginning in 1999. For example, for a revocable permit issued in 1999 with an annual rent of \$1,000.00, the rent would be increased by 27.00%, for a new annual rent of \$1,270.00. This increase would be across the board, regardless of the type of revocable permit, or location of the land. Below is a table of the percentage increase in annual rent based on the year that the revocable permit was issued.

YEAR PERMIT ISSUED OR LAST YEAR RENT EVALUATED	RECOMMENDED RENT INCREASE (% OF BASE RENT)
1999	27.00%
2000	25.50%
2001	24.00%
2002	22.50%
2003	21.00%
2004	19.50%
2005	18.00%
2006	16.50%
2007	15.00%
2008	13.50%
2009	12.00%

2010	10.50%
2011	9.00%
2012	7.50%
2013	6.00%
2014	4.50%
2015	3.00%
2016	1.50%

Beginning in 2017, the annual rent for every revocable permit would be subject to an annual increase of 1.5% until the rent can be appraised at fair market value. Considering that the average annual increase in the consumer price index for Honolulu from 1999 to the present is 2.52%, staff believes that the 1.5% annual increase is a fair compromise, taking into account the various land uses and locations for revocable permits statewide.

The following State and County of Kauai agencies were consulted on this action with the results indicated:

Agency:	Comment:
Division of Forestry and Wildlife	No response by suspense date
Office of Conservation and Coastal Lands	See attached Exhibit 5
State Parks	No comments
Historic Preservation	See attached Exhibit 6
Engineering	No comments
Kauai District Land Office	No objections
Commission on Water Resource Management	No response by suspense date
Division of Conservation and Resources Enforcement	No response by suspense date
Department of Hawaiian Home Lands	No response by suspense date
Department of Agriculture	No comments
Agribusiness Development Corporation	No response by suspense date
Office of Hawaiian Affairs	See attached Exhibit 4
County Planning Department	No response by suspense date
County Public Works Department	No comments
County Department of Water	No objections

**RECOMMENDATION:** That the Board:

1. Approve the continuation of the revocable permits listed in Exhibit 2 on a month-to-month basis for another one-year period through December 31, 2017, except for permits that are in arrears of rental payment for more than 60 days and/or have been approved for forfeiture by a separate Board action. Permits in arrears of rental for 60 days or more and/or approved by the Board for forfeiture shall not be renewed; and

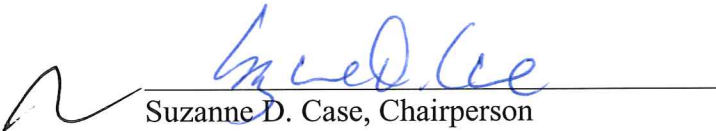
2. Approve rent adjustments effective January 1, 2017 for the current monthly rent for the revocable permits listed in Exhibit 2 in accordance with the table above, provided however, that the Land Board reserves and delegates to the Chairperson the right at any time to review and reestablish new rental charges for revocable permits, to reflect market conditions or the fair market rental for the rights and privileges granted by such revocable permits and to best serve the interests of the State.

Respectfully Submitted,



Richard T. Howard  
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



## EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Annual Renewal of Revocable Permits on the Island of Kauai.

Project / Reference No.: Not applicable

Project Location: Various locations on the Island of Kauai

Project Description: Renew existing revocable permits for a term of one year.

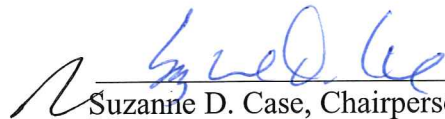
Chap. 343 Trigger(s): Use of State Land

Exemption Class No.: In accordance with the Exemption List for the Department of Land and Natural Resources, approved by the Environmental Council on June 5, 2015, the subject request for issuance for right-of-entry is exempt from the preparation of an environmental assessment pursuant to Exemption Class 1, "Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

The annual renewal of existing revocable permits on State lands involves the continuation of existing uses on the lands. No change in use is authorized by the renewal.

Consulted Parties: Agencies listed in submittal.

Recommendation: That the Board find this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
Suzanne D. Case, Chairperson  
Date 9/27/16

## EXHIBIT 1

REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit

consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
	<b>KAUAI</b>						
rp3827	GAY & ROBINSON	(4) 1-8-3; 1-8-4	6/20/1965	Pasture	366.639	900	<ul style="list-style-type: none"> <li>•Rent set by Board action on 6/25/99, item D-11.</li> <li>•Staff to explore the possibility of selling a lease at public auction. Permittee was the lessee under GL3005 (commenced 6/20/44), which encumbered 357.75 acres. 8.889 acres were added to this permit, including a portion of 1-8:004:013. The lands underlying the permit are in the Conservation District. Staff has requested OCCL's opinion as to whether this qualifies as a non-conforming use.</li> </ul>
rp5188	COUNTY OF KAUAI	(4) 1-8-007:001-0000	8/1/1975	Landscaping	1.62	0	<ul style="list-style-type: none"> <li>•Rent is gratis.</li> <li>•Permit granted to a governmental entity.</li> </ul>
rp5567	U H COLLEGE TROPICAL AG	(4) 4-2-1:8,10	8/15/1977	Agriculture	32	0	<ul style="list-style-type: none"> <li>•Rent is gratis.</li> <li>•Permit granted to a governmental entity.</li> </ul>

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp5983	SYNGENTA SEEDS, INC.	(4) 1-2-002:040-0000	1/1/1983	Agriculture	43.6	8,880.00	<ul style="list-style-type: none"> <li>•Rent set by Board action on 6/25/99, item D-11.</li> <li>•Permittee uses only a portion of the parcel. Staff will monitor developments following Syngenta's announcement of its plan to sell its Hawaii operation.</li> </ul>
rp6511	GAY & ROBINSON	(4) 1-5-001:001-0001	9/1/1987	Pasture	1,625.00	528	<ul style="list-style-type: none"> <li>•Rent set by Board action on 6/25/99, item D-11. The original permit, RP798, encumbered the entire parcel together with a portion of parcel 17, and commenced 11/1/52.</li> <li>•The permittee is using only a portion of the parcel. The parcel is within the Conservation District. Staff has requested OCCL's opinion as to whether this qualifies as a non-conforming use.</li> </ul>

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Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp6842	GAY & ROBINSON, INC.	(4) 1-8-6; 1-8-7; 1-8-8	4/16/1994	Ag & Pasture	1,777.59	36,000.00	<ul style="list-style-type: none"> <li>•Rent set by Board action on 8/8/97, item D-3, reviewed and left unchanged by Board action on 6/25/99, item D-11.</li> <li>•Board approved amended cancellation and reissuance of RP reflecting lower rent and smaller area at its meeting on 2/22/13, item D-1. Staff waiting for new CSF map reflecting Veteran's Cemetery expansion and DLNR baseyard. Once completed, staff will recalculate rent and explore the possibility of selling a lease at public auction. Small portions of two of the parcels are in the Conservation District. Staff were not able to find any evidence of permittee applying for a CDUP in its files. Staff will inform permittee that it needs to apply for a CDUP.</li> </ul>



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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp6892	MADRID, FRANCES C.	(4) 4-5-008:012-0000	11/1/1993	Landscaping	0.165	156	<ul style="list-style-type: none"> <li>•Rent set by Board action dated 10/8/93, item F-6, reviewed and left unchanged by Board on 6/25/99, item D-11.</li> <li>•The parcel is adjacent to permittee's residence. Staff will continue in its efforts to have the CoK's Housing Agency take over the administration of the Division's residentially zoned parcels. The current disposition is appropriate at this time.</li> </ul>
rp6893	MADRID, FRANCES C.	(4) 4-5-008:013-0000	11/1/1993	Residential	0.146	4,632.00	<ul style="list-style-type: none"> <li>•Rent set by Board action dated 10/8/93, item F-6, reviewed and left unchanged by Board on 6/25/99, item D-11.</li> <li>•Staff will continue in its efforts to have the CoK's Housing Agency take over the administration of the Division's residentially zoned parcels. The current disposition is appropriate at this time.</li> </ul>
rp7045	NAGAMINE, SHOICHI	(4) 1-9-003:006-0000	8/31/1995	Ag-Residence	7.826	1,380.00	<ul style="list-style-type: none"> <li>•Rent set by Board action on 6/25/99, item D-11.</li> <li>•Board approved transfer to DOA per Act 90.</li> </ul>

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7218	HURLEY, MAILE F.	(4) 4-1-9:5, 6	5/26/2000	Ag & Pasture	10.444	1,152.00	<ul style="list-style-type: none"> <li>•Rent based on staff appraisal dated 5/31/00, crop productivity analysis and pasture analysis.</li> <li>•Board approved the sale of a 30-year lease at public auction and the issuance of a revocable permit at its meeting on 5/26/00, item D-13. Staff to prepare auction package for sale of lease. One percent of parcel 5 and 60% of parcel 6 are within the Conservation District. Parcel 5 was first encumbered by GL2943, which commenced 12/1/42. Staff has requested OCCL's opinion as to whether this qualifies as a non-conforming use. Staff will inform permittee of its need to apply for a CDUP for parcel 6.</li> </ul>
rp7256	SUNRISE CAPITAL, INC.	(4) 1-9-10:34,35,38;11:7	2/1/2001	Parking	0.825	5,700.00	<ul style="list-style-type: none"> <li>•Rent based on staff appraisal dated 1/17/01.</li> <li>•Staff to explore the possibility of selling a lease at public auction. There was previously no public interest in the parcels when the permit was issued.</li> </ul>

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Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7259	SANTOS, FRANK & ABIGAIL	(4) 1-9-7:5,7,28,29,30	5/1/2001	Agriculture	16.09	8,076.00	<ul style="list-style-type: none"> <li>•Rent based on staff desk appraisal dated 10/3/00.</li> <li>•Board approved transfer to DOA per Act 90.</li> </ul>
rp7302	CONTRADES, FRANKLIN M. & PATRICIA	(4) 4-8-008:002-0000	7/1/2002	Landscaping	0.344	156	<ul style="list-style-type: none"> <li>•Rent based on staff appraisal dated 9/20/02.</li> <li>•This R-4 zoned parcel is adjacent to DHHL lands. It was formerly encumbered by a Certificate of Occupation, which was cancelled by the Board on 6/8/01, item D-4, for failure to keep property taxes current. Staff to explore the possibility of quitclaiming this parcel to DHHL.</li> </ul>
rp7317	CHU, HELEN B.H.	(4) 1-9-002:019-0000	3/27/2002	Intensive Ag	1.14	264	<ul style="list-style-type: none"> <li>•Rent taken from expired GL5121 by staff valuation on 6/14/02.</li> <li>•Board approved transfer to DOA per Act 90.</li> </ul>
rp7321	NONAKA, SCOT J. & SHARI T.	(4) 1-9-012:011-0000	11/15/1999	Intensive Ag	0.95	570	<ul style="list-style-type: none"> <li>•Rent set by staff valuation based on staff appraisal dated 8/14/02.</li> <li>•At its meeting on 4/26/02, item D-1, the Board approved the sale of a 30-year lease at public auction and the issuance of a revocable permit.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2017

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Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7376	FERNANDEZ, ROSS K.	(4) 1-2-002:032-0000	11/1/2004	Pasture	44.713	1,860.00	<ul style="list-style-type: none"> <li>•Rent based on staff appraisal dated 3/16/00 using animal production formula.</li> <li>•Permittee using only a portion of the parcel. At its meeting on 10/28/94, the Board approved the transfer of 20 acres from the subject parcel to DHHL as part of a larger land transfer. No long term disposition of the property is possible until DHHL has completed the subdivision of this parcel.</li> </ul>
rp7386	NONAKA, DEAN H. AND NICOL U.	(4) 1-9-1:2;1-9-2:2	4/26/2004	Pasture	6.247	156	<ul style="list-style-type: none"> <li>•Rent carried over from Clarence Nonaka's cancelled RP5572, set by Board action on 12/7/90, item F-20, reviewed and left unchanged by Board action on 6/25/99, item D-11.</li> <li>• No legal access from public road.</li> </ul>
rp7466	ABIGANIA, RICHARD	(4) 4-5-15:17,30	12/15/2008	Pasture	37.057	1,716.00	<ul style="list-style-type: none"> <li>•Rent based on staff appraisal dated 11/17/08.</li> <li>•The permit was issued when GL5344 ended. Staff to seek the Board's approval to sell a lease at public auction.</li> </ul>
rp7471	COUNTY OF KAUAI	(4) 3-8-005:001-0000	3/1/2010	Baseyard/Storage	0.344	0	<ul style="list-style-type: none"> <li>•Rent is gratis.</li> <li>•Permit granted to a governmental entity.</li> </ul>



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Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7480	ANDRADE, MANUEL H.	(4) 2-3-007:013-0000	7/1/2010	Pasture	32.55	156	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP6790 (commenced 11/1/91), set by Board action on 6/25/99, item D-11.</li> <li>•Staff will seek Board approval to sell a lease at public auction.</li> </ul>
rp7498	KAMANAWA FOUNDATION	(4) 1-9-012:013-0000	1/1/2010	Educational	1.84	1,632.00	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP6937 (commenced 10/27/94), set by Board action on 6/25/99, item D-11.</li> <li>•Staff to enter into a direct lease with this 501c3 entity.</li> </ul>
rp7507	THATCHER, STEVE	(4) 4-5-009:043-0000	4/1/2010	Commercial	0.172	7,596.00	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP6897 (commenced 2/1/94), set by Board action on 6/25/99, item D-11.</li> <li>•At its meeting on 1/14/94, item F-13, the Board approved the sale of a 35-year lease at public auction and issuance of a revocable permit. Staff to update submittal, if necessary, and resubmit to Board for approval.</li> </ul>
rp7509	BANK OF HAWAII, REAL ESTATE MANAGER	(4) 1-9-005:049-0000	3/1/2010	Commercial	0.81	20,088.00	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP6946 (commenced 7/6/94), set by Board action on 11/16/07, item D-1.</li> <li>•Staff to seek Board approval to sell a lease at public auction.</li> </ul>

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Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7516	MORI, GEORGE M.	(4) 1-8-007:015-0000	1/1/2010	Access	0.026	156	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP6849 (commenced 11/1/91), set by staff appraisal dated 8/6/93, reviewed and left unchanged by Board action on 6/25/99, item D-11.</li> <li>•Permittee is using only a portion of the premises. Staff to convert to access easement.</li> </ul>
rp7521	AKI, MICHAEL	(4) 2-5-5:4,5,6	8/1/2010	Agriculture	7.54	2,604.00	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled rp6809 (commenced 5/11/92), set by Board action on 6/25/99, item D-11.</li> <li>•At its meeting on 4/12/91, item F-5, as amended, the Board approved the sale of a 20-year lease for general agriculture/employee residence. Staff to update the submittal, if necessary, and resubmit to Board for approval.</li> </ul>

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7584	GAY & ROBINSON	(4) 1-8-003:011-0000	4/1/2010	Pasture	4.3	156	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP2543 (commenced 12/1/57), set by Board action on 12/7/90, item F-20, reviewed and left unchanged by Board action on 6/25/99, item D-11.</li> <li>•Staff will explore the possibility of selling a lease at public auction. The parcel is within the Conservation District, but staff could not find a CDUP in permittee's files. The parcel has been in pasture use since at least 12/1/43. Staff has requested OCCL's opinion as to whether this qualifies as a non-conforming use.</li> </ul>
rp7627	SANCHEZ, SR, WILLIAM J.	(4) 4-1-009:017-0002	12/15/2008	Pasture	11.796	516	<ul style="list-style-type: none"> <li>•Rent set by in-house valuation using animal production formula dated 1/20/09.</li> <li>•Board approved the sale of a 15-year lease at public auction and issuance of a revocable permit at its meeting on 5/8/09, item D-2. Staff to prepare auction package.</li> </ul>

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7628	SANCHEZ, SR, WILLIAM J.	(4) 3-9-5:19,20	12/15/2008	Pasture	21.33	996	<ul style="list-style-type: none"> <li>•Rent based on staff appraisal using animal production formula dated 1/20/09.</li> <li>•Board approved the sale of a 30-year lease at public auction and issuance of a revocable permit at its meeting on 5/8/09, item D-1. Staff to put together auction package for sale of lease.</li> </ul>
rp7641	SOARES, BERNADINE A.	(4) 4-5-015:045-0000	3/1/2011	Landscaping	0.115	480	<ul style="list-style-type: none"> <li>•Minimum allowable rent recommended by staff, which was higher than staff appraisal dated 8/31/10.</li> <li>•No access to parcel from public road.</li> </ul>



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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7664	KILLERMANN, ADAM P.	(4) 1-8-005:021-0000	5/1/2011	Pasture	45.11	480	<ul style="list-style-type: none"> <li>•Minimum allowable rent recommended by staff, which was higher than the in-house valuation dated 5/19/10.</li> <li>•Staff will explore the possibility of selling a lease at public auction. A portion of the parcel is within the Conservation District. The parcel was previously encumbered by GL3707, which commenced 7/1/62, so staff has requested OCCL's opinion as to whether this qualifies as a non-conforming use.</li> </ul>
rp7669	BRUN, TONY T.	(4) 1-8-006:003-0000	5/1/2011	Pasture	287.13	1,188.00	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7172, set by staff appraisal dated 10/26/00.</li> <li>•Board approved the sale of a 20-year lease at public auction at its meeting on 7/23/99, item D-4. Staff to update submittal, if necessary, and resubmit to Board for approval.</li> </ul>

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Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7679	WU, DARIUS T. AND VAN T.L.	(4) 4-5-13:26, 32	5/1/2011	Parking	0.14	576	<ul style="list-style-type: none"> <li>•Rent carried over from Glen Lovejoy's cancelled RP6250, set by Board action on 12/12/97, item D-3, reviewed and left unchanged by Board on 6/25/99, item D-11.</li> <li>•Parcel unsuitable for long term lease as DOT might need drainage for bypass road Mauka of property.</li> </ul>
rp7683	KAGAWA-WALKER, MARY A.	(4) 1-6-004:015-0000	6/1/2011	Residential	0.339	12,876.00	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7401 (commenced 3/1/05), set by staff appraisal dated 6/30/04.</li> <li>•Staff will continue in its efforts to have the Kauai County Housing Agency take over the administration of the Division's residentially zoned parcels.</li> </ul>
rp7695	KAONA, CLARENCE E.	(4) 5-5-006:005-0000	4/1/2012	Agriculture	0.4	156	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP6507 (commenced 7/1/87), set by Board action on 6/25/99, item D-11.</li> <li>•The land is used to grow taro. The parcel's small size makes the sale of a lease impracticable.</li> </ul>

# REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit consumed (some water permits)

Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7701	VASQUES, STANLEY	(4) 4-6-005:005-0000	7/1/2011	Pasture	2.6	156	<ul style="list-style-type: none"> <li>•Minimum allowable rent carried over from cancelled RP7202 (commenced 11/20/99).</li> <li>•Board approved sale of a 20-year lease at public auction and the issuance of a revocable permit upon expiration of prior lease on 3/13/98, item D-5. Staff to update submittal, if necessary, and resubmit to Board for approval.</li> </ul>
rp7702	YASUTAKE, KENNETH K. & SYLVIA K.	(4) 1-9-002:014-0000	7/1/2011	Pasture	0.61	156	<ul style="list-style-type: none"> <li>•Minimum rent carried over from cancelled RP7195 (commenced 10/8/99), which was higher than staff appraisal dated 10/29/99.</li> <li>•No access to parcel from public road.</li> </ul>
rp7710	FERNANDES, MICHAEL J.	(4) 4-1-009:008-0000	8/1/2011	Pasture	11.746	480	<ul style="list-style-type: none"> <li>•Minimum allowable rent carried over from cancelled RP7429 (commencing 3/1/07), which was higher than the in-house valuation dated 9/19/06.</li> <li>•The property was previously encumbered by GL5117. Staff to seek Board approval to sell a lease at public auction.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7712	MARTINS, JEANNETT VIRGINIA	(4) 4-6-005:010-0000	7/1/2011	Pasture	6.24	156	<ul style="list-style-type: none"> <li>•Minimum allowable rent carried over from Edwin Martins Revocable Living Trust's cancelled RP 7200. Permittee's first permit, RP7301, commenced 2/1/04 .</li> <li>•Sale of a 20-year lease at public auction deferred by Board at its meeting on 3/27/98, item D-6. Staff to revise submittal and resubmit to Board for approval.</li> </ul>



REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit

consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7721	FALCO PARTNERS, LLC	(4) 4-6-9:28,44,45	8/1/2011	Recreational	77.13	2,952.00	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7261 (commenced 5/1/01), set by staff appraisal dated 2/22/01.</li> <li>•The permittee is the current owner of the Valley House property adjacent to the subject parcels. These parcels were formerly a quarry, consisting largely of steep and unusable terrain. The permittee has left the parcels in their natural state, which acts as a buffer between its property and the Makai neighbors. Staff to explore the possibility of selling a lease at public auction.</li> </ul>
rp7727	RAPOZO, MERVIN L. & FAY T.	(4) 4-1-3:48; 4-1-2:23	9/1/2011	Pasture	15.309	156	<ul style="list-style-type: none"> <li>•Minimum rent allowable carried over from cancelled RP7204 (commenced 12/14/99), which was higher than staff appraisal dated 10/18/99.</li> <li>•Sale of a 20-year lease at public auction deferred by Board at its meeting on 3/27/98, item D-6. Staff to revise submittal and resubmit to Board for approval.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit

consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7729	FALKO PARTNERS, LLC	(4) 4-6-009:046-0000	8/1/2011	Pasture	6.5	156	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7311 (commenced 2/25/02), set by staff recommendation dated 6/14/02.</li> <li>•Board approved the sale of a 20-year lease at public auction and issuance of a revocable permit on 1/28/00, item D-9, and amended the prior action on 2/9/01, item D-1, authorizing a 1-year holdover of GL5116 and the issuance of a revocable permit upon its expiration. Staff to prepare auction package for sale of lease.</li> </ul>
rp7734	JASPER, RICHARD	(4) 4-5-013:029-0000	9/1/2011	Parking	0.113	612	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7177 (commenced 5/28/99), set by staff appraisal dated 5/11/99.</li> <li>•Permittee owns adjacent parcels. No ingress or egress to or from the parcel is allowed from State highway per DOT.</li> </ul>

# REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7737	RAPOZO, DEREK	(4) 4-1-3:45,46	9/1/2011	Pasture	3.442	156	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7314 (commenced 5/1/02), set by staff appraisal dated 8/15/01.</li> <li>•Staff will seek Board approval for sale of lease once flooding from Coco Palms' lagoon is resolved.</li> </ul>
rp7738	THRONAS, TRUSTEE, MARY	(4) 4-1-001:007-0000	9/1/2011	Ag & Pasture	19.98	1,548.00	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7320 (commenced 2/25/02), set by staff appraisal dated 6/17/02.</li> <li>•The Board approved a one-year retroactive holdover of GL5119, the sale of a 30-year lease at public auction and the issuance of an RP following holdover period at its meeting on 8/10/01, item D-11. Staff to prepare auction package for sale of lease.</li> </ul>

# REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7739	LANEY, LANCE	(4) 5-4-2:33, 42	9/1/2011	Pasture	7.3	156	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7319 (commenced 2/25/02), set by staff appraisal dated 3/13/02.</li> <li>•Board approved the sale of a 20-year lease at public auction and issuance of a revocable permit on 1/28/00, item D-9, and amended the prior action on 2/9/01, item D-1, authorizing a 1-year holdover of GL5122 and the issuance of a revocable permit upon its expiration. Staff to prepare auction package for sale of lease. Both parcels are within the Conservation District. The parcels were originally encumbered by GL2702, which commenced 1/5/39. Staff has requested OCCL's opinion as to whether this qualifies as a non-conforming use.</li> </ul>



# REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7744	SUMMERS, TOM	(4) 4-5-008:004-0000	9/1/2011	Landscaping	0.402	156	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7148 (commenced 5/15/98), set by staff appraisal dated 9/28/98.</li> <li>•The permittee owns the adjacent property and uses this parcel for beautification purposes. Staff will continue its efforts to have the CoK's Housing Agency take over the administration of the Division's residentially zoned parcels. Prior to any turnover, staff will consult with SHPD concerning any cultural and historic properties on the site.</li> </ul>

# REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7749	JURASSIC KAHILI RANCH LLC	(4) 5-1-2:4,6	9/1/2011	Pasture	200.93	156	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7383 (commenced 8/1/04), set by staff appraisal dated 4/15/04.</li> <li>•No legal access to parcel, permittee owns adjacent parcel. At its meeting on 8/10/90, item F-19, the Board set aside these parcels to DOFAW. At its meeting on 3/25/04, item D-7, the Board rescinded the set aside due to a survey backlog and lack of access to parcels. Both parcels are within the Conservation District, and Staff could find no evidence of permittee applying for a CDUP in its files. Staff will instruct permittee to apply for a CDUP. Current disposition appropriate in the event DOFAW requires the property.</li> </ul>

# REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7753	SPECIALTY LUMBER, INC.	(4) 4-5-011:029-0000	9/1/2011	Parking	0.016	156	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7385 (commenced 5/10/04), set by staff appraisal dated 5/21/96 for RP 7020 issued to Stan Irion, reviewed and left unchanged by Board on 6/25/99, item D-11.</li> <li>•Staff to cancel RP for this road right of way.</li> </ul>
rp7770	CHING, LINCOLN Y.T.	(4) 4-5-015:029-0000	9/1/2011	Pasture	0.987	156	<ul style="list-style-type: none"> <li>•Rent carried over from Helen Souza's cancelled RP6659, set by Board action on 12//7/90, item F-20, reviewed and left unchanged by Board on 6/25/99, item D-11.</li> <li>•At its meeting on 4/8/88, item F-8, the Board approved the sale of a 15-year lease. Staff to update the submittal, if necessary, and resubmit to Board for approval.</li> </ul>

# REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7771	TAKATSUKI, THOMAS T. & DENNIS T.	(4) 4-1-001:012-0000	9/1/2011	Intensive Ag	6.13	672	<ul style="list-style-type: none"> <li>•Rent carried over from Kiyoko Takatsuki's cancelled RP7316, set by staff recommendation dated 6/14/02 which was based on an appraisal dated 7/31/96.</li> <li>•At its meeting on 8/10/01, item D-11, the Board approved a one-year holdover, issuance of a revocable permit and the sale of a 35-year lease. Although the parcel is within the Conservation District, the property has been used for agricultural purposes since the 1920s. Staff has requested OCCL's opinion as to whether this qualifies as a non-conforming use.</li> </ul>



REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7785	JINTA, LLC	(4) 1-9-010:042-0000	9/1/2011	Landscaping/Parkin	0.281	1,056.00	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7418 (commenced 9/10/05), which was set by in-house valuation dated 7/25/05.</li> <li>•Jinta, LLC has sold property next door and KDLO is in the process of cancelling this RP and issuing a new RP to new land owner. New owner understands that in future, this parcel will go to public auction for a long term lease.</li> </ul>
rp7790	CHING, LINCOLN Y.T.	(4) 4-5-15:10, 28	9/1/2011	Pasture	30.353	480	<ul style="list-style-type: none"> <li>•Minimum allowable rent carried over from cancelled RP7435 (commenced 6/19/07), which was higher than appraisal dated 10/22/07.</li> <li>•Board approved the sale of a 20-year lease at public auction at its meeting on 9/14/07, item D-1. Staff to prepare auction package for sale of lease.</li> </ul>
rp7794	MISSION, FRANCIS P. AND LAURA	(4) 1-9-003:010-0000	9/1/2011	Intensive Ag	4.037	828	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7206 (commenced 1/28/00), set by staff appraisal dated 8/11/99.</li> <li>•Board approved transfer to DOA per Act 90.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7795	ISHIDA, ERIC AND GRACINDA	(4) 4-6-008:030-0000	9/1/2011	Landscaping	0.005	168	<ul style="list-style-type: none"> <li>•Rent carried over from cancelled RP7428 (commenced 10/1/07), set by Board action on 9/22/06, item D-2.</li> <li>•No access to parcel from public road, permittee using only a portion of the parcel.</li> </ul>
rp7798	AJIMURA, CLYDE	(4) 1-9-005:038-0000	11/1/2011	Landscaping	0.232	588	<ul style="list-style-type: none"> <li>•Rent based on in-house valuation of permits with similar use and size dated 6/7/11.</li> <li>•Vacant parcel zoned General Commercial in Hanapepe. Staff will seek Board approval to sell a lease at public auction.</li> </ul>
rp7805	GARDEN ISLE RACING ASSOCIATION	(4) 1-2-002:36, 40	2/1/2012	Recreational	80.5	1,800.00	<ul style="list-style-type: none"> <li>•Rent based on in-house valuation dated 5/7/08 using similar County-run race facilities' per day charges.</li> <li>•Permittee uses only a portion of both parcels. The dragstrip was built by the State DOT using an appropriation by the Legislature as part of the Kauai Recreational Facility Phase I. It was to be set aside to the CoK, but the County declined due to its reluctance to accept control and management of the site.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7818	NUNES-HOOPII, DONNA	(4) 4-5-011:010-0000	7/1/2012	Residential	0.189	3,732.00	<ul style="list-style-type: none"> <li>•Rent set by Board action on 12/9/11, item D-1.</li> <li>•Staff will continue in its efforts to have the CoK's Housing Agency take over the administration of the Division's residentially zoned parcels. The current disposition is appropriate at this time.</li> </ul>
rp7821	HASHIMOTO, JUNEDALE	(4) 5-3-007:005-0000	2/1/2012	Residential	1.735	5,448.00	<ul style="list-style-type: none"> <li>•Rent based on staff appraisal dated 7/18/11 of comparable RPs.</li> <li>•Staff will continue in its efforts to have the CoK's Housing Agency take over the administration of the Division's residentially zoned parcels. The current disposition is appropriate at this time.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2017

Note: Permits showing "0" annual rent may be gratis, or subject to a non-fixed rental amount, e.g. % of net revenue, amount per event, or amount per unit

consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7833	AIWOHI, LORRIN J.	(4) 4-6-6:28, 29	8/1/2013	Pasture	9.17	2,280.00	<ul style="list-style-type: none"> <li>•Rent based on staff appraisal dated 7/29/98 using orchard crop formula.</li> <li>•At its meeting on 5/15/98, item D-5, the Board authorized the sale of a 20-year lease and the issuance of a Revocable Permit to R.J. Farias. Subsequent Board action on 9/25/98, item D-24, rescinded approval of the RP and approved the issuance of a new rp to K.C. Ching. Further Board action on 2/26/99, item D-12 rescinded the approval of the rp issued to Mr. Ching and approved the issuance of an rp to Mr. Edwin Martin. Staff to update submittal re sale of lease at auction, if necessary, and resubmit to Board for approval.</li> </ul>



REVOCABLE PERMIT MASTER LIST 2017

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Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7840	HORNER, DARRELL	(4) 1-9-007:046-0000	5/1/2014	Aquaculture	1	480	<ul style="list-style-type: none"> <li>•Rent set by in-house valuation dated 5/13/13 using the CPI adjustment over the previously cancelled RP6455's rent (commenced 10/1/86).</li> <li>•Parcel lacks legal access from public road. Permittee's previous permit was cancelled so the Div. of Aquatic Resources could develop a consolidation and resubdivision master plan for State property. Lack of funding prevented this from happening and the permit was reissued.</li> </ul>
rp7842	SOUZA, VERNON AND CHARLETTE	(4) 4-1-002:020-0000	12/1/2013	Pasture	3.99	480	<ul style="list-style-type: none"> <li>•Minimum allowable rent approved by Board on 4/11/14, item D-4, which was higher than rent under GL5562, which ended on 12/1/13.</li> <li>•Staff will seek Board approval to sell a lease at public auction.</li> </ul>
rp7845	MEDEIROS, WILLIAM D.	(4) 2-7-4:11,12	12/2/2013	Pasture	5.916	480	<ul style="list-style-type: none"> <li>•Minimum allowable rent approved by Board on 4/11/14, item D-2, which was higher than the rent under former GL5560 for this parcel.</li> <li>•Staff will seek Board approval to sell a lease at public auction.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7848	G & K KALAHEO SHELL REPAIR SHOP, LLC.	(4) 1-9-005:007-0000	2/14/2014	Commercial	0.158	11,370.00	<ul style="list-style-type: none"> <li>•Rent approved by Board on 12/13/13, item D-4, taken from the appraisal and subsequent arbitration for the rent reopening of the since terminated long term lease, GL3972, which formerly encumbering the parcel.</li> <li>•Staff will seek Board approval to sell a lease at public auction.</li> </ul>
rp7865	KAPAA KI-AKIDO CLUB, INC.	(4) 4-1-009:018-0000	8/1/2015	Community Use	0.358	480	<ul style="list-style-type: none"> <li>•Rent is the minimum allowable, approved by Board 8/22/14, item D-2.</li> <li>•Staff to enter into a direct lease with Hawaii Ki Federation, a 501c3 entity.</li> </ul>

# REVOCABLE PERMIT MASTER LIST 2017

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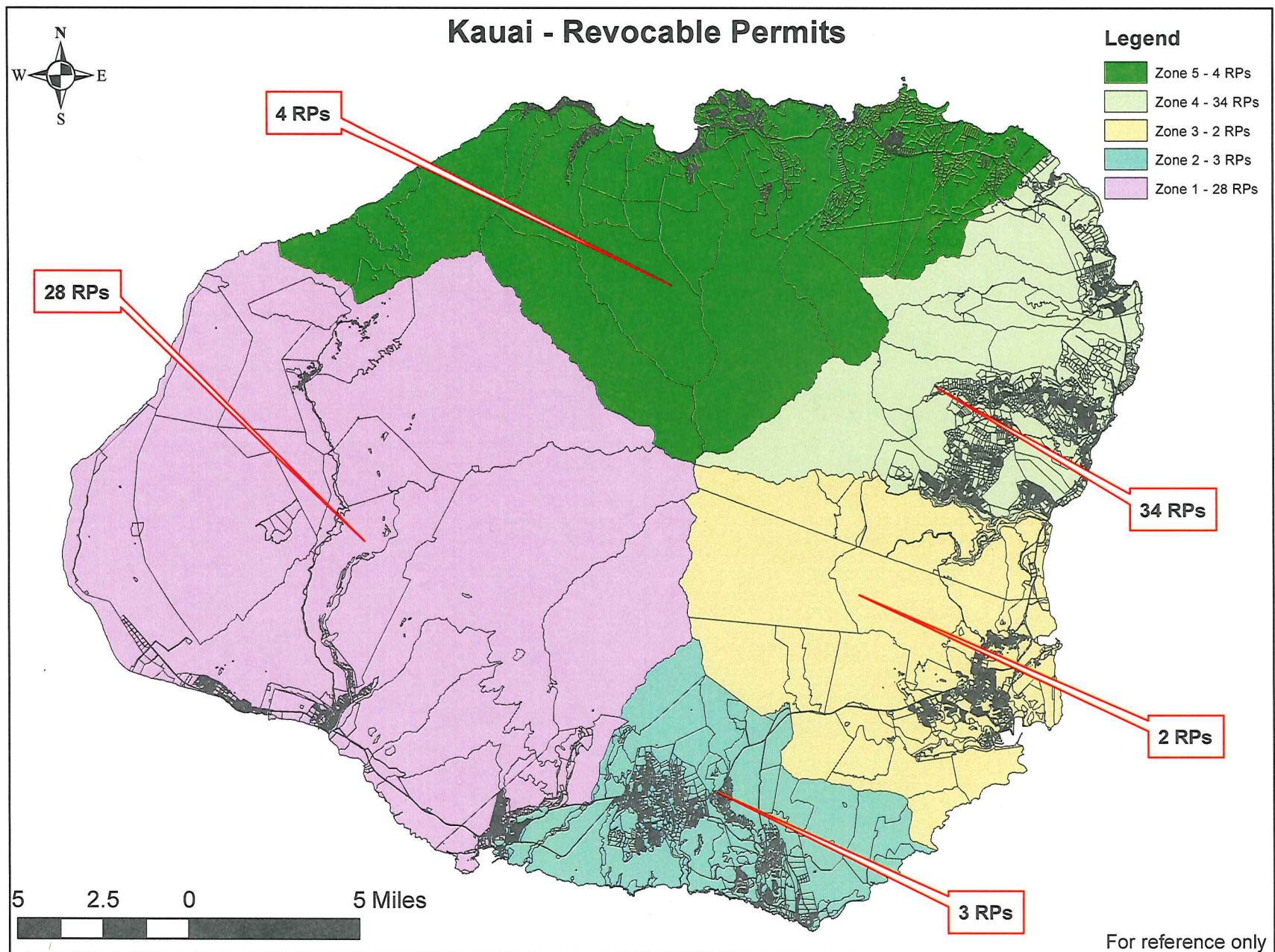
consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7870	MANUEL, CHARMAINE	(4) 1-3-002:030-0000	4/1/2016	Pasture	0.4	480	<ul style="list-style-type: none"> <li>•Minimum allowable rent recommended by staff, which was higher than in-house staff recommendation dated 10/29/15.</li> <li>•Wedge-shaped, residentially zoned remnant parcel from GL4222 to Kekaha Sugar Company. Staff will continue in its efforts to have the CoK's Housing Agency take over the administration of the Division's residentially zoned parcels, although it is not clear if this parcel is buildable. The current disposition is appropriate at this time.</li> </ul>
rp7872	SILVA, KEITH A.	(4) 1-2-006:018-0000	4/1/2016	Pasture	50.264	3,012.00	<ul style="list-style-type: none"> <li>•Rent set by in-house valuation dated 6/17/13.</li> <li>•Sloped rocky hillside parcel with only a limited area suitable for pasture use. Staff will explore the possibility of selling a lease at public auction.</li> </ul>

REVOCABLE PERMIT MASTER LIST 2017

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consumed (some water permits)							
Doc No.	Permittee Name	TMK	Revocable Permit From	Char of Use	R.P. Area	Annual Rent	Comments re rent amount and why no long-term disposition
rp7881	FERNANDES, MICHAEL	(4) 4-1-009:020-0000	6/1/2014	Pasture	25.60	480.00	<ul style="list-style-type: none"> <li>•Rent set by in-house valuation recommendation dated 1/13/16, where the animal production formula calculation was lower than the minimum allowable rent o \$480 per year.</li> <li>•The permittee was the lessee under GL5584, which ended 5/26/14. Staff will seek Board approval to sell a lease at public auction.</li> </ul>
rp7882	FERNANDES, MICHAEL	(4) 4-1-9:7; 4-1-10:16	6/1/2014	Pasture	7.452	480.00	<ul style="list-style-type: none"> <li>•Rent set by in-house valuation recommendation dated 1/7/16, where the animal production formula calculation was lower than the minimum allowable rent of \$480 per year.</li> <li>•The permittee was the lessee under GL5582, which ended 5/26/14. Staff will seek Board approval to sell a lease at public auction.</li> </ul>





PHONE (808) 594-1888

FAX (808) 594-1938



HRD16-7891

June 27, 2016

Richard T. Howard, Land Agent  
Department of Land and Natural Resources, Land Division  
Post Office Box 621  
Honolulu, Hawai'i 96809

Re: OHA comments on "Annual Renewal of Revocable Permits for Kauai"  
Kaua'i Moku

Aloha e Mr. Howard:

The Office of Hawaiian Affairs (OHA) received your draft staff submittal to the Board of Lands and Natural Resources (Land Board), dated June 6, 2016. The Department of Land and Natural Resources (DLNR) Land Division proposes to renew 72 month-to-month revocable permits (RPs) held on Kaua'i Island for a one-year period. Exhibit 2 of the draft submittal provides a list of the subject Kaua'i RPs.

As noted in the staff submittal, the subject action was prepared in response to the Land Board's directive on December 11, 2015, which requested staff to submit the RP renewals for each county over four meetings, with an explanation of why a revocable permit is the appropriate disposition and how the rent for each permit was set. In addition, DLNR Chairperson Suzanne Case convened the DLNR Revocable Permits Task Force to revisit and evaluate the existing protocols and criteria for RPs and to make recommendations for improvements to the RP system. At the time of this letter's writing, the DLNR Revocable Permits Task Force had presented its report and recommendations the prior week to the Land Board on June 24, 2016; however, the minutes for the June 24<sup>th</sup> meeting are not yet available.

As drafted, OHA has a number of concerns regarding the presentation of the Kaua'i revocable permit list and the process for renewal of these RPs, many of which our agency raised in the annual RP renewals for O'ahu and Hawai'i Islands, as well.

EXHIBIT "4"



First, the staff submittal does not set forth a clear action for the Land Board. The staff submittal presents the action as an "annual renewal" but has been released for interagency review in June, rather than near the usual timeframe for annual renewals at the end of the calendar year. The Recommendation section similarly requests that the Land Board "[a]pprove the continuation of the revocable permits in Exhibit 2 on a month-to-month basis for another one-year period through December 31, 2017." Such a timeframe would exceed the one-year maximum length allowed by Hawai'i Revised Statutes (HRS) § 171-55.

Second, the staff submittal also appears premature given that the draft submittal was distributed prior to the presentation of the DLNR RP Task Force and action by the Land Board. Given our understanding of the action taken by the Land Board, we believe that the three staff submittals should be revised and re-released for interagency comment, with the additional requirements approved by the Land Board on June 24, 2016.

Third, a number of individual RPs note that the use of a parcel by a permittee assists DLNR with its maintenance of the parcel, presumably as a justification for a discounted rent for the associated parcel. While it would make sense that occupancy of a parcel is preferable to a vacancy, generally, this justification would appear applicable to most RPs and not be the basis for a reduced rent or short-term disposition by RP. For such RPs, we ask to see a discussion of specific maintenance or services provided by the permittee that benefit the state and a discussion of long-term plans for the parcel.

Finally, should the division choose to move forward with this submittal notwithstanding the release of a revised staff submittal for interagency review, we would ask that the Exhibit 2 master list of RPs be revised to include the following:

1. Page numbers and a sequential listing of RPs, which will facilitate discussions of the RPs by the Land Board members and public;
2. The trust land status of the subject parcel(s);
3. The date of the last affirmative review of the permit holder's compliance with the most recent permit terms;
4. A discussion of pending challenges to the land uses contemplated under each permit, if applicable;
5. The amount of water diverted, for those RPs involving water; and
6. Consistent comments across all RPs, particularly related to long-term disposition and a lack of outside interest. The inclusion of certain comments for some RPs but not others is confusing (i.e., has there been other interested parties for all RPs except those that state "No interest shown in parcels by public"?).

Mahalo for the opportunity to provide comments on the draft staff submittal for the Kaua'i RPs. We hope to review a revised submittal that incorporates the Land Board action on

Richard Howard, DLNR Land Agent  
June 27, 2016  
Page 3

the RP Task Force report and recommendations. If you have any questions, please contact Everett Ohta, OHA Lead Compliance Specialist, at 594-0231 or everetto@oha.org.

'O wau iho nō me ka 'oia 'i'o,

A handwritten signature in black ink, appearing to read "Kamano Crabbe".

Kamana'opono M. Crabbe, Ph.D.  
Ka Pouhana, Chief Executive Officer

KC:eo



DAVID Y. IGE  
GOVERNOR OF  
HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON, P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF: OCCL: AJR

COR: KA-16-253

MEMORANDUM

**TO:** Richard T. Howard, Land Agent  
*DLNR – Land Division*

**FROM:** Samuel J. Lemmo, Administrator  
*DLNR – Office of Conservation and Coastal Lands*

**SUBJECT:** **REVOCABLE PERMIT REVIEW – ISLAND OF KAUA’I**  
Various Districts, Island of Kaua’i  
*TMK: Various (listed in document)*

JUL 8 2016

Dear Mr. Howard,

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your memo regarding a review of Revocable Permits located on State Lands on the Island of Kaua’i. According to the list provided, there are a number of Tax Map Keys (TMK) (and therefore Revocable Permits (RP)) that are located within the State Land Use (SLU) Conservation District; all land uses within the SLU Conservation District are under the regulatory authority of this office.

This memorandum outlines only those RPs that are located within the SLU Conservation District, RPs located in the water, as well as any permits (or lack thereof) for each RP TMK that are listed in our database. Additionally, the list provided had some mis-labeled TMK numbers that could not be reviewed, those are also presented below.

KAUA’I

- **RP5983**; (4) 1-2-002:040; Limited Subzone, CDUP: KA-1380, KA-3760
- **RP7805**; (4) 1-2-002:036 & 040; Limited Subzone, CDUP: KA-3760
- **RP6511**; (4) 1-5-001:001; Resource Subzone – No Land Use Permits
- **RP7584**; (4) 1-8-003:011; Resource Subzone – No Land Use Permits
- **RP7664**; (4) 1-8-005:021; Zoned both Agricultural District and Conservation District – No Land Use Permits
- **RP7340**; (4) 3-9-001:001; Protective and Resource Subzones – CDUP: KA-679, KA-1797, KA-2155, KA-3071

EXHIBIT “5”

- **RP7738**; (4) 4-1-001:007; Protective Subzone – CDUP: KA-801
- **RP7771**; (4) 4-1-001:012; Protective Subzone – No Land Use Permits
- **RP7842**; (4) 4-1-002:020; Protective Subzone – No Land Use Permits
- **RP7727**; (4) 4-1-003:048 & (4) 4-1-002:023; Protective Subzone – No Land Use Permits
- **RP7218**; (4) 4-1-009:005; 1% Conservation District, and (4) 4-1-009:006; 60% Conservation District, 40% Urban District – No Land Use Permits
- **RP7088**; (4) 4-9-001:001; Protective and Resource Subzones – CDUP: KA-525
- **RP7749**; (4) 5-1-002:004 & 006; 95% Conservation District, 5% Agricultural District – No Land Use Permits
- **RP7739**; (4) 5-4-002:033 & 042; Protective and Resource Subzones – No Land Use Permits

TMKs not labeled correctly:

- **RP3827**; (4) 1-8-003:??? & (4) 1-8-004:???
- **RP6842**; (4) 1-8-006:???, (4) 1-8-007:???, (4) 1-8-008:???
- **RP7310**; (4) 4-1-???: 002, 004, 006, 007 & 008

The OCCL would like to take this opportunity to remind those persons or entities that utilize parcels located within the SLU Conservation District that permittees/applicants are required to inform this office of any proposed land uses that may occur in the Conservation District.

Additionally, any of the RPs listed above with the label “No Land Use Permits” indicate that no record of any permit/authorization/approval was listed in our (OCCL) database for that specific TMK.

If you have any questions regarding this correspondence please contact Alex J. Roy, M.Sc. of our Office of Conservation and Coastal Lands staff at 808-587-0316 or via email at [alex.j.roy@hawaii.gov](mailto:alex.j.roy@hawaii.gov)

CC: *Chairperson*

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
STATE HISTORIC PRESERVATION DIVISION  
KAKUHIHEWA BUILDING  
601 KAMOKILA BLVD, STE 555  
KAPOLEI, HAWAII 96707

SUZANNE D. CASE  
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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

August 5, 2016

Richard Howard  
Land Agent, Land Division  
Department of Land and Natural Resources  
[Richard.T.Howard@hawaii.gov](mailto:Richard.T.Howard@hawaii.gov)

LOG NO: 2016.01391  
DOC NO: 1608MN03  
Archaeology

Aloha Mr. Howard:

**SUBJECT: Chapter 6E-8 Historic Preservation Review -  
Annual Renewal of Revocable Permits for Kaua'i, Various  
Various Ahupua'a, Various Districts, Island of Kaua'i  
TMK: (4) various**

Thank you for the opportunity to comment on the annual renewal of revocable permits on the island of Kaua'i. We received the request for review and comments on June 8, 2016 in our Kapolei office. The renewal of the annual permits is exempt from Chapter 343, HRS and Chapter 11-200 requirements for an environmental assessment (EA) as the Land Division classifies these as "operations, repairs, or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that existing".

Many of these permits are on state lands that have never been surveyed for historic properties. The vehicle for obtaining archaeological survey data is currently the HAR§13-275 and HAR§13-284 historic preservation review process. The revocable permit process poses some issues for historic properties. It is difficult to assess potential effects of an annual permit when it is renewable for an indeterminate amount of time, and no archaeological survey has been conducted. While an annual revocable permit for pasture purposes may have negligible effect on historic properties, the cumulative effect of activities (such as cattle grazing) on undocumented historic properties for multiple years is worthy of consideration. The State Historic Preservation Division (SHPD) must balance the requirements of Hawaii Administrative Rule (HAR) 6E-8 and 6E-42 with practicable considerations such as land use, but respectfully requests consideration of the potential effects of long-term leases on unsurveyed lands.

At this time, we are unable to determine the effects of all of the annual renewable permits for the properties that were submitted for review, as many of the properties have not been surveyed for historic properties. However, we respectfully request that any change in the existing use, which will involve ground disturbance, grubbing, or grading, be submitted to this office for review.

Attached please find a table listing the TMKS with known historic properties and SHPD's recommendations regarding the respective revocable permits.

Please attach the following to all of the permits: In the event that historic properties are present or identified on the subject property, including surface sites such as rock walls or other traditional Hawaiian sites or features, such as lava tubes, shell midden, historic trails, and/or plantation era features, such as irrigation ditches, please contact the State Historic Preservation Division in accordance with HAR§13-280.

We look forward to continued work with the Land Division to maintain and care for historic properties on state lands. Please contact Kaua'i Lead Archaeologist Mary Jane Naone at (808) 271-4940 or [Maryjane.Naone@hawaii.gov](mailto:Maryjane.Naone@hawaii.gov) if you have any questions regarding this letter. Mahalo for your assistance in preserving significant historic and cultural properties.

**EXHIBIT "6"**



Mr. Howard  
August 5, 2016

Aloha,

*Mary Jane Naone*

Mary Jane Naone  
Kaua'i Lead Archaeologist

cc. Marvin Mikasa, Kaua'i Land Division, [Marvin.T.Mikasa@hawaii.gov](mailto:Marvin.T.Mikasa@hawaii.gov)



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<b>TMK:</b>	<b>Permittee/Use/Land Area :</b>	<b>Known HP</b>	<b>Recommendation</b>
(4) 1-2-006:018	Keith Silva Pasture 50.26 acres	Peekauai Menehune Ditch 50-30-09-0026	Please contact SHPD for a site visit; site assessment and recommendations regarding maintenance of the site.
(4) 1-5-001:001-0001	Gay & Robinson Pasture 1,625 Acres	Unknown; highly likely to contain historic properties	Please contact SHPD for any changes in land use or known sites so that the sites may be documented. Consider the size of the property and potential for historic properties. Recommend an archaeological inventory survey for prolonged land use, as cumulative effects of cattle may damage surface sites.
(4) 1-6-004:014-000	Mary Kagawa-Walker Residential .339 acres	High potential for subsurface properties or surface HP; located along Waimea River	Recommend that alterations to the property require SHPD consultation.
(4) 1-8-003:011	Gay & Robinson Pasture 4.3 acres	High potential for surface HP; along Hanapepe River	Recommend that long term use of the property require an AIS due to the potential for traditional Hawaiian sites along Hanapepe River.
(4) 1-8-005:021	Adam Killerman Pasture 45.11 acres	High potential for surface HP; along Hanapepe River	Recommend that long term use of the property require an AIS due to the potential for traditional Hawaiian sites along Hanapepe River.
(4) 1-2-002:032	Ross Fernandez Pasture 44.71 acres	High potential for subsurface properties	Please contact SHPD for archaeological monitoring for minor ground disturbance; substantial grading requiring a permit will require an archaeological monitor.
(4) 1-8-006:003	Tony Brun Pasture 287.13 acres	High potential for traditional and plantation era properties	Apparently developed for plantation use; potential plantation era properties. Recommend consultation with SHPD prior to alterations of roads, ditches, etc.
(4) 1-8-003 (4) 1-8-004	Gay & Robinson Pasture 366.639 acres	High potential for traditional Hawaiian properties	Please contact SHPD for any changes in land use or known sites so that the sites may be documented. Consider the size of the property and potential for historic properties. Recommend an archaeological inventory survey for prolonged land use, as cumulative effects of cattle may damage surface sites.
(4) 1-8-006, 007, 008	Gay & Robinson Ag and Pasture 1777 acres	High potential for traditional Hawaiian, plantation era properties	Please contact SHPD for any changes in land use or known sites so that the sites may be documented. Consider the size of the property and potential for historic properties. Recommend an archaeological inventory survey for prolonged land use, as cumulative effects of cattle may damage surface sites.
(4) 1-9-005:007	G & K Kalaheo Shell Repair	Within Hanapepe historic district	Please contact SHPD Architecture Branch regarding any changes or alterations to the buildings or property.
(4) 1-9-005:038	Clyde Ajimura Commercial .23 Acres	Within Hanapepe historic district	Please contact SHPD Architecture Branch regarding any changes or alterations to the buildings or property.
(4) 1-9-005:049	Bank of Hawaii Commercial .81 acres	Within Hanapepe Historic district	Please contact SHPD Architecture Branch regarding any changes or alterations to the buildings or property.
(4) 1-9-010:042	Jinta, LLC Landscaping/Parking .281 acres	High potential for subsurface historic properties, including burials	Site 50-30-09-00705 (Hanapepe burials) located nearby. Please contacts SHPD for any changes in land use and alterations, particularly grading and grubbing.
(4) 1-9-012:013	Kamanawa	Moderate potential	Please contact SHPD for any changes in land use,

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	Foundation Educational 1.84 acres	for traditional Hawaiian historic properties, including subsurface properties	or known sites so that the sites may be documented, as well as for review prior to any grading or grubbing.
(4) 1-9-001:002, 002:001	Dean and Nicole Nonaka Pasture 6.247 acres	Moderate potential for traditional Hawaiian historic properties, including subsurface properties	Please contact SHPD for any changes in land use or known sites so that the sites may be documented. Recommend an archaeological inventory survey for prolonged land use, as cumulative effects of cattle may damage surface sites.
(4) 1-9-010:34,35, 38,011	Sunrise Capital, Inc. Parking .825 acres	High potential for subsurface historic properties, including burials	Permit use states "parking" but aerial photography indicates that some lots, or portions of lots, are vegetated and have not been graded or grubbed. Please consult SHPD prior to grading or grubbing, as the properties are in an area near Hanapepe River with potential for subsurface historic and traditional Hawaiian cultural deposits.
(4) 1-9-007: 5,7, 28, 29, 30	Frank and Abigail Santos Agriculture 16.09 acres	Unknown; highly likely to contain historic properties	Please contact SHPD for any changes in land use or known sites so that the sites may be documented. Consider the size of the property and potential for historic properties. Recommend a site visit by SHPD staff prior to long-term renewal or changes to the permit.
(4) 2-7-004:011, 012	William D. Medeiros Pasture 5.91 acres	Unknown; likely to contain historic properties	Property appears to be heavily vegetated and is along Omao Stream. SHPD requests a site visit prior to long term renewal of the permit for pasture in order to assess the need for an AIS.
(4) 3-9-001:001	Kaua'i Island Utility Cooperative Water Listed as 0 acres	Request more info. Unknown; likely to contain historic properties	Request more info prior to making a recommendation. The parcel appears to be a large land area with high potential for historic sites that has never been surveyed. SHPD requests information regarding the extent of the land use to extract water.
(4) 3-9-005:019, 020	William Sanchez Pasture 21.33 acres	Likely to contain Subsurface historic properties	Our records indicate there are significant cultural and historic properties in the immediate vicinity, including burials. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-1-003:017	Coco Palms Ventures, LLC Parking .85 acres	High potential for subsurface historic properties, including burials.	Our records indicate there are significant cultural and historic properties in the immediate vicinity, including burials. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-1-003:044	Coco Palms Ventures, LLC Access .01 acres	High potential for subsurface historic properties, including burials.	Our records indicate there are significant cultural and historic properties in the immediate vicinity, including burials. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-1-005:017	Coco Palms Ventures, LLC Commercial .012 acres	High potential for subsurface historic properties, including burials.	Our records indicate there are significant cultural and historic properties in the immediate vicinity, including burials. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-1,2,4,6,7,8	East Kaua'i Water Cooperative Water 6,700 acres	Request more info. Unknown; likely to contain historic properties	Request more info prior to making a recommendation. The parcel appears to be a large land area with high potential for historic sites that has never been surveyed. SHPD requests information regarding the extent of the land use to extract water.
(4) 4-1-001:007	Mary Thronas	Moderate potential	Our records indicate there are significant cultural



Mr. Howard  
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	Ag and Pasture 19.98 acres	for subsurface properties or surface HP; including plantation era properties located near Waimea River	and historic properties in the surrounding vicinity. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-1-001:012	Thomas Takatsuki Intensive Ag 6.13 acres	Moderate potential for subsurface properties or surface HP; including plantation era properties located near Waimea River	Our records indicate there are significant cultural and historic properties in the surrounding vicinity. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-1-009:017	William Sanchez Pasture 11.79 acres	Moderate potential for subsurface properties or surface HP; including plantation era properties located near Waimea River	Our records indicate there are significant cultural and historic properties in the surrounding vicinity. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-1-003:45, 46	Derek Rapozo Pasture 3.44 acres	High potential for subsurface properties or surface HP; located within the vicinity of a known cultural layer underlying Coco Palms and adjacent properties	Our records indicate there are significant cultural and historic properties in the surrounding vicinity. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-5-008:004	Tom Summers Landscaping .40 acres	High potential for subsurface properties or surface HP; located within the vicinity of a known cultural layer underlying Waipouli coastline	Our records indicate there are significant cultural and historic properties in the surrounding vicinity. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-5-008:012	Frances Madrid Landscaping .165 acres	High potential for subsurface properties or surface HP; located within the vicinity of a known cultural layer	Our records indicate there are significant cultural and historic properties in the surrounding vicinity. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-5-008:013	Frances Madrid Residential .15 acres	High potential for subsurface properties or surface HP; located within the vicinity of a known cultural layer	Our records indicate there are significant cultural and historic properties in the surrounding vicinity. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-5-011:010	Donna Nunes-Hoopii Residential .18 acres	High potential for subsurface properties or surface HP; located within the vicinity of a known cultural layer	Our records indicate there are significant cultural and historic properties in the surrounding vicinity. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 4-5-013:029	Richard Jasper Parking .11 acres	High potential for subsurface properties or surface HP; located within the vicinity of a known	Our records indicate there are significant cultural and historic properties in the surrounding vicinity. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.

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		cultural layer	
(4) 4-9-001:001	Jeffrey Linder Water 125 acres	Unknown	Request more info prior to making a recommendation. The parcel appears to be a large land area with high potential for historic sites that has never been surveyed. SHPD requests information regarding the extent of the land use to extract water.
(4) 5-1-002:004, 006	Jurassic Kahiili Ranch, LLC Pasture 200.93 Acres	Unknown	The parcel appears to be a large land area with moderate potential for historic sites that has never been surveyed. Any alterations in land use, ground disturbance or grubbing requires consultation and review by SHPD.
(4) 5-3-007:005	Junedale Hashimoto Residential 1.73 acres	High potential for subsurface historic properties	Significant historic properties in surrounding vicinity, including subsurface cultural layer and burials.
(4) 5-4-002:033, 42	Lance Laney Pasture 7.3 acres	High potential for traditional Hawaiian properties	Please contact SHPD for any changes in land use, or known sites so that the sites may be documented. Property is in close proximity to a density of recorded sites, including 50-30-03-01007, Hanalei agricultural complex, which consists of a complex of lo'i along the alluvial plain adjacent to Hanalei River.

HP = historic properties

AIS = archaeological inventory survey